

Application No.: 10/522,096

Attorney Docket No. BASF.10027

Restriction Requirement dated: February 21, 2007

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Response to Restriction Requirement filed: March 21, 2007

Group VI, claim(s) 19, drawn to a process of preparing an agrochemical composition comprising identifying the herbicidally active compound by the method of group of IV and formulating herbicidally active compound;

Group VII, claim(s) 22 and 23, drawn to a method for generating nucleic acid sequences which encode a polypeptide with the biological activity of sucrose-6-phosphate phosphatase; and

Group VIII, claim(s) 24-25, drawn to a method of generating transgenic plant resistant to substances identified by the method of claim 17.

Further Election was also required to one of the identified sequences of SEQ ID NOs: 1-6 "as applicable to the elected group." *Office* Action, at page 3. Thus, election was required of one of inventions I-VIII and one of the sequences as applicable to the elected group. *Id.*

Applicants respectfully traverse the restriction requirement and the single sequence requirement and provisionally elect the subject matter of group IV, presented in claims 9-13, 15, 17, and 20, drawn to a method of identifying herbicidally active substances using the polypeptide of SEQ ID NO: 2 or 4 or 6 (or the encoding nucleic acid sequence of SEQ ID NO: 1 or 3 or 5) and compound identified, and further elect the single nucleic acid sequence of SEQ ID NO: 1 for further prosecution.

The Restriction is traversed for the following reasons. 37 C.F.R. § 1.475(a) states that unity of invention is fulfilled if there is a technical relationship among those inventions involving *one or more* of the same or corresponding special technical features. The expression "special technical features" is defined as those technical features that define a contribution which each of the claimed inventions, *considered as a whole*, makes over the prior art.

The claims of the present application include the use of sucrose-6-phosphate phosphatase as an herbicidal target and methods using same to identify herbicidal active substances. Inhibition assays are disclosed for use in identifying herbicidal compounds among the method claims of Group IV. The methods disclosed can be based on growth-regulatory activity assays, as in the claims of Group V and use the agrochemical

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compositions prepared in the claim of Group VI. In addition, the methods disclosed can employ the use of nucleic acid sequences encoding polypeptides having the biological activity of sucrose-6-phosphate phosphatase generated by the methods of Group VII, and transgenic plants generated by the methods of Group VIII. In using the methods disclosed, various nucleic acid sequences, functional analogs, or polypeptide sequences can be used, *inter alia*, Groups I through III. Thus, Groups I through VIII all share a technical relationship when the claimed invention is considered as a whole. Reconsideration and withdrawal of the Restriction requirement is respectfully requested.

If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

HUTCHISON LAW GROUP PLLC

Date: March 21, 2007

By: 

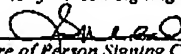
Thomas E. Holsten

Registration No. 46,098

P.O. Box 31686
Raleigh, NC 27612
+1.919.829.9600

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Jennie Shead
(Typed Name of Person Signing Certificate)


(Signature of Person Signing Certificate)

Date of Signing: March 21, 2007